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SENATE BILL 234

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO OUTDOOR ADVERTISING; ESTABLISHING A MINIMUM  
DISTANCE BETWEEN OUTDOOR ADVERTISING LOCATIONS AND FROM A RIGHT  
OF WAY; REQUIRING THE ACQUISITION OR CONDEMNATION OF AN  
EXISTING OUTDOOR ADVERTISING PRIOR TO ISSUANCE OF A NEW PERMIT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 67-12-4 NMSA 1978 (being Laws 1966,  
Chapter 65, Section 4, as amended) is amended to read:

"67-12-4. OUTDOOR ADVERTISING PROHIBITED-- EXCEPTIONS. --

A. Subject to the provisions of Subsection D of  
this section, outdoor advertising shall not be erected or  
maintained except:

(1) directional and other official signs and  
notices authorized or required by law, including [~~but not~~  
~~limited to~~] signs and notices pertaining to [~~houses~~] places of

underscored material = new  
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underscored material = new  
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1 worship, natural wonders and scenic and historic attractions;

2 (2) signs, displays and devices advertising  
3 the sale or lease of property upon which they are located;

4 (3) signs, displays and devices advertising  
5 activities conducted on the property upon which they are  
6 located, provided that the bisection of a parcel of land by a  
7 highway right-of-way acquisition shall not in itself be  
8 construed as converting the property into more than one parcel;

9 (4) signs, displays and devices located in  
10 areas ~~[which]~~ that are zoned as industrial or commercial under  
11 authority of law;

12 (5) signs, displays and devices located  
13 ~~[within]~~ at least seven hundred fifty feet from the next  
14 closest sign, display or device and at least six hundred sixty  
15 feet ~~[of]~~ from the nearest edge of the right of way, in unzoned  
16 industrial or commercial areas ~~[as defined by regulations~~  
17 ~~promulgated by the commission]~~, provided that no area shall be  
18 considered to be an unzoned commercial or industrial area  
19 unless and until a ~~[regulation]~~ rule defining the area as  
20 unzoned commercial or industrial is ~~[promulgated]~~ adopted by  
21 the commission; and

22 (6) signs lawfully in existence on October 22,  
23 1965, ~~[determined by the commission]~~ subject to any necessary  
24 federal approval, to be landmark signs of historic or artistic  
25 significance worthy of preservation, including signs on farm

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underscored material = new  
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1 structures or natural surfaces.

2 B. All outdoor advertising shall conform with  
3 standards and specifications and shall bear permits [~~and have~~  
4 ~~paid therefor permit fees, as~~] required by the Highway  
5 Beautification Act [~~and regulations promulgated pursuant~~  
6 ~~thereto or authorized thereby~~], except that permits shall not  
7 be required or fees paid for outdoor advertising included in  
8 Paragraphs (1), (2) and (3) of Subsection A of this section.

9 C. [~~Notwithstanding this section~~] Any outdoor  
10 advertising [~~that was lawfully~~] in existence on the effective  
11 date of the Highway Beautification Act [~~and has continued to so~~  
12 ~~exist~~] may remain in place until the outdoor advertising is  
13 acquired by the commission or condemnation [~~in relation~~  
14 ~~thereto~~] is commenced by the commission, whichever first  
15 occurs, but only if [~~and so long as~~] all provisions of  
16 Subsection B of this section are complied with.

17 D. On and after July 1, 2005, no new permit shall  
18 be issued by the commission unless the permit applicant conveys  
19 to the commission an existing outdoor advertising permit or the  
20 commission acquires or condemns an existing outdoor advertising  
21 structure under a permit to the applicant."